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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,905	07/07/2000	Bertram V. Burke	EPC-8C	7723

7590 05/20/2005
Leo Stanger
382 Springfield Avenue
Summit, NJ 07901

EXAMINER SUBRAMANIAN, NARAYANSWAMY	
ART UNIT 3624	PAPER NUMBER

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,905

Applicant(s)

BURKE, BERTRAM V.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-5 and 15-66 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to Applicant's communication dated February 17, 2005. Amendments to claims 1, 15, 21, 31, 32, 36, 41, 42, 61-63 and 66 have been entered. Claims 1-5 and 15-66 are pending in this application. The pending claims are subject to restriction as discussed below.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-5 and 32-40, drawn to computerized methods of changing credits in payor accounts from financial transactions between one or more payors and a payee, said method comprising the steps of: entering into different stations of a network controlled by the payee and in different transactions, respective amounts each being greater than an amount due the payee; for each entry and transaction and station, subtracting any amount due the payee from at least a portion of the tendered amount to obtain an additional amount; for each entry and transaction and station, transmitting any additional amount to a separate station and, within the separate station crediting the additional amount into a payor account, classified in class 705, subclass 41.

II. Claims 15-20, 54 and 57, drawn to a computerized method comprising: a step of entering into a system, a base amount of at least one payment between a payor and a payee; a step of changing the balance of an operating account of the payor on the basis of the amount of the one transaction; a step of automatically adjusting the balance of the operating account, on the basis of the one transaction to form a rounder amount, and the balance of a rounder account of the payor on the basis of the automatic adjustment, classified in class 705, subclass 41.

III. Claims 21-31, 41-53, 55, 56 and 58-66, drawn to computerized methods of modifying data in a payor account using a point of sale terminal of a merchant, said method

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comprising: entering data that identifies a credit or debit amount into a point of sale terminal that receives data concerning a payor's transaction with the merchant, said point of sale terminal being controlled by the merchant; transmitting the data that identifies the credit or debit amount to a separate network; within the separate network, modifying the data associated with the payor account as a credit or debit; and transferring any data representing a debit or credit back to the merchant, classified in class 705, subclass 41.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to computerized methods of changing credits in payor accounts from financial transactions between one or more payors and a payee, said method comprising the steps of: entering into different stations of a network controlled by the payee and in different transactions, respective amounts each being greater than an amount due the payee; for each entry and transaction and station, subtracting any amount due the payee from at least a portion of the tendered amount to obtain an additional amount; for each entry and transaction and station, transmitting any additional amount to a separate station and, within the separate station crediting the additional amount into a payor account, whereas invention II relates to a computerized method comprising: a step of entering into a system, a base amount of at least one payment between a payor and a payee; a step of changing the balance of an operating account of the payor on the basis of the amount of the one transaction; a step of automatically adjusting the balance of the operating account, on the basis of the one transaction to form a rounder amount, and the balance of a rounder account of the payor on the basis of the automatic

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adjustment. The steps of subtracting any amount due the payee from at least a portion of the tendered amount to obtain an additional amount and for each entry and transaction and station, transmitting any additional amount to a separate station in invention I is not required in Invention II. See MPEP § 806.05(d). The steps of changing the balance of an operating account of the payor on the basis of the amount of the one transaction and automatically adjusting the balance of the operating account, on the basis of the one transaction to form a rounder amount in invention II is not required in Invention I. Clearly the two inventions are independent, distinct and different in scope and utility. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper even though they are classified in the same class and subclass.

Inventions I and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to computerized methods of changing credits in payor accounts from financial transactions between one or more payors and a payee, said method comprising the steps of: entering into different stations of a network controlled by the payee and in different transactions, respective amounts each being greater than an amount due the payee; for each entry and transaction and station, subtracting any amount due the payee from at least a portion of the tendered amount to obtain an additional amount; for each entry and transaction and station, transmitting any additional amount to a separate station and, within the separate station crediting the additional amount into a payor account, whereas invention III relates to computerized methods of modifying data in a payor account using a point of sale

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terminal of a merchant, said method comprising: entering data that identifies a credit or debit amount into a point of sale terminal that receives data concerning a payor's transaction with the merchant, said point of sale terminal being controlled by the merchant; transmitting the data that identifies the credit or debit amount to a separate network; within the separate network, modifying the data associated with the payor account as a credit or debit; and transferring any data representing a debit or credit back to the merchant. The steps of subtracting any amount due the payee from at least a portion of the tendered amount to obtain an additional amount and for each entry and transaction and station, transmitting any additional amount to a separate station in invention I is not required in Invention III. See MPEP § 806.05(d). The steps of transmitting the data that identifies the credit or debit amount to a separate network and within the separate network, modifying the data associated with the payor account as a credit or debit in invention III is not required in Invention I. Clearly the two inventions are independent, distinct and different in scope and utility. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper even though they are classified in the same class and subclass.

Inventions III and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III relates to computerized methods of modifying data in a payor account using a point of sale terminal of a merchant, said method comprising: entering data that identifies a credit or debit amount into a point of sale terminal that receives data concerning a payor's transaction with the merchant, said point of sale terminal being controlled by the merchant; transmitting the data that identifies the credit or debit amount

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to a separate network; within the separate network, modifying the data associated with the payor account as a credit or debit; and transferring any data representing a debit or credit back to the merchant., whereas invention II relates to a computerized method comprising: a step of entering into a system, a base amount of at least one payment between a payor and a payee; a step of changing the balance of an operating account of the payor on the basis of the amount of the one transaction; a step of automatically adjusting the balance of the operating account, on the basis of the one transaction to form a rounder amount, and the balance of a rounder account of the payor on the basis of the automatic adjustment. The steps of transmitting the data that identifies the credit or debit amount to a separate network and within the separate network, modifying the data associated with the payor account as a credit or debit in invention III is not required in Invention II. See MPEP § 806.05(d). The steps of changing the balance of an operating account of the payor on the basis of the amount of the one transaction and automatically adjusting the balance of the operating account, on the basis of the one transaction to form a rounder amount in invention in invention II is not required in Invention III. Clearly the two inventions are independent, distinct and different in scope and utility. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper even though they are classified in the same class and subclass.

4. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

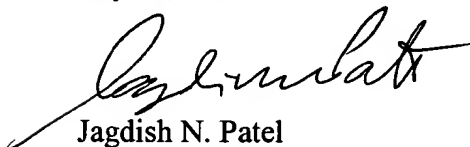
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax phone number for the Patent Office where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian

May 15, 2005



Jagdish N. Patel
Primary Examiner